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OEXA 83-0029/B

NINETY-EIGHTH CONGRESS

# Congress of the United States

## House of Representatives

LEGISLATION AND NATIONAL SECURITY SUBCOMMITTEE  
OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

RAYBURN HOUSE OFFICE BUILDING, ROOM D-373

WASHINGTON, D.C. 20515

Executive Registry

83-1128/7

June 14, 1983

Honorable William J. Casey  
Director  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Mr. Casey:

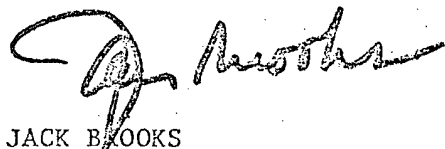
The Legislation and National Security Subcommittee is reviewing the Presidential Directive, "Safeguarding National Security Information," issued March 11, 1983. Because of the potential impact of this Directive on our security interests, the morale of Government employees, and the efforts of the Government to recruit well-qualified personnel, the inquiry is of special importance. A copy of the Directive, NSDD-84, is enclosed for your convenience.

It would be appreciated if you would assist the inquiry by gathering the necessary information pertinent to an evaluation of the Directive's possible impact. Please provide this information on the enclosed questionnaire within 10 days.

I have asked the General Accounting Office to assist in this effort. That office will assist the Subcommittee in reviewing and analyzing the questionnaires.

Thank you very much for your attention to this request.

Sincerely,



JACK BROOKS  
Chairman

Enclosures

DOJ  
EXEC  
REG

Questionnaire

1. Does your agency employ, or have under contract, polygraph operators?  
(Check one.)

\_\_\_\_\_ Yes -- continue

\_\_\_\_\_ No -- please go to Question 4.

2. As of December 31, 1982, approximately how many polygraph operators were employed by your agency? If the exact number is not known, please give your agency's best estimate. How many contract polygraphers did your agency employ during calendar year 1982?

\_\_\_\_\_ Agency employees

\_\_\_\_\_ Contract personnel

3. Please briefly describe the qualifications required of individuals employed as polygraph operators by your agency. The attachment of a job description which contains this information will be sufficient.

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4. During calendar year 1982, approximately how many books, articles, speeches, and other materials were reviewed during your agency's preclearance process, if any? If the number is not known, please give your agency's best estimate. Please enter the number on each line. If none, enter "0".)

\_\_\_\_\_ Books  
 \_\_\_\_\_ Articles  
 \_\_\_\_\_ Speeches  
 \_\_\_\_\_ Other (please specify)  
 \_\_\_\_\_  
 \_\_\_\_\_

5. Please estimate the average number of working days that elapse from the date of receipt of a request for preclearance of each type of document below, to the date the requestor is informed of the final results. If you have not had experience in reviewing a type of document, enter "NA" on the applicable line. (Enter estimated average number of working days on each line.)

Estimated Average Working Days

\_\_\_\_\_ Books  
 \_\_\_\_\_ Articles  
 \_\_\_\_\_ Speeches  
 \_\_\_\_\_ Other (please specify)  
 \_\_\_\_\_  
 \_\_\_\_\_

6. During calendar year 1982, approximately how many employees were assigned, and working days were used for each of the following tasks? (Place the numbers in the appropriate boxes. If none, enter "0".)

Estimated  
Number of  
Employees  
Assigned

Estimated Number  
of Working  
Days Used

Preclearance review of books, speeches,  
articles and other materials



Reviewing Freedom of Information Act  
requests



Mandatory review for declassification  
requests under Executive Order 12356  
(August 1, 1982)



7. Please briefly describe your agency's plans to implement the nondisclosure agreement (paragraphs 1.a. and 1.b.), the preclearance for publication (paragraph 1.b.), and the contacts between media representatives and agency personnel (paragraph 1.d.) requirements. If you have not yet formulated these plans, please indicate a date by which we may expect a reply to this question, which should at that time be forwarded under separate cover.

8. Please enter below the name, title, and telephone number of the person to be contacted if clarification or additional information is needed.

Agency: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Location: \_\_\_\_\_  
Telephone  
Number: (Area Code) \_\_\_\_\_ (Number) \_\_\_\_\_

If you have any questions, please contact either GAO staff member:

Mr. Irving Boker on 275-4407 or Mr. James Reid on 275-4430

Thank you for your time. Please return the completed questionnaire to:

Legislation and National Security Subcommittee  
Committee on Government Operations  
B-373 Rayburn House Office Building  
Washington, D.C. 20515

Safeguarding National Security Information

As stated in Executive Order 12356, only that information whose disclosure would harm the national security interests of the United States may be classified. Every effort should be made to declassify information that no longer requires protection in the interest of national security.

At the same time, however, safeguarding against unlawful disclosures of properly classified information is a matter of grave concern and high priority for this Administration. In addition to the requirements set forth in Executive Order 12356, and based on the recommendations contained in the interdepartmental report forwarded by the Attorney General, I direct the following:

1. Each agency of the Executive Branch that originates or handles classified information shall adopt internal procedures to safeguard against unlawful disclosures of classified information. Such procedures shall at a minimum provide as follows:

a. All persons with authorized access to classified information shall be required to sign a nondisclosure agreement as a condition of access. This requirement may be implemented prospectively by agencies for which the administrative burden of compliance would otherwise be excessive.

b. All persons with authorized access to Sensitive Compartmented Information (SCI) shall be required to sign a nondisclosure agreement as a condition of access to SCI and other classified information. All such agreements must include a provision for prepublication review to assure deletion of SCI and other classified information.

c. All agreements required in paragraphs 1.a. and 1.b. must be in a form determined by the Department of Justice to be enforceable in a civil action brought by the United States. The Director, Information Security Oversight Office (ISOO), shall develop standardized forms that satisfy these requirements.

d. Appropriate policies shall be adopted to govern contacts between media representatives and agency personnel, so as to reduce the opportunity for negligent or deliberate disclosures of classified information. All persons with authorized access to classified information shall be clearly apprised of the agency's policies in this regard.

2. Each agency of the Executive Branch that originates or handles classified information shall adopt internal procedures to govern the reporting and investigation of unauthorized disclosures of such information. Such procedures shall at a minimum provide that:

a. All such disclosures that the agency considers to be seriously damaging to its mission and responsibilities shall be evaluated to ascertain the nature of the information disclosed and the extent to which it had been disseminated.

b. The agency shall conduct a preliminary internal investigation prior to or concurrently with seeking investigative assistance from other agencies.

c. The agency shall maintain records of disclosures so evaluated and investigated.

d. Agencies in the possession of classified information originating with another agency shall cooperate with the originating agency by conducting internal investigations of the unauthorized disclosure of such information.

e. Persons determined by the agency to have knowingly made such disclosures or to have refused cooperation with investigations of such unauthorized disclosures will be denied further access to classified information and subjected to other administrative sanctions as appropriate.

3. Unauthorized disclosures of classified information shall be reported to the Department of Justice and the Information Security Oversight Office, as required by statute and Executive orders. The Department of Justice shall continue to review reported unauthorized disclosures of classified information to determine whether FBI investigation is warranted. Interested departments and agencies shall be consulted in developing criteria for evaluating such matters and in determining which cases should receive investigative priority. The FBI is authorized to investigate such matters as constitute potential violations of federal criminal law, even though administrative sanctions may be sought instead of criminal prosecution.

4. Nothing in this directive is intended to modify or preclude interagency agreements between FBI and other criminal investigative agencies regarding their responsibility for conducting investigations within their own agencies or departments.

5. The Office of Personnel Management and all departments and agencies with employees having access to classified information are directed to revise existing regulations and policies, as necessary, so that employees may be required to submit to polygraph examinations, when appropriate, in the course of investigation of unauthorized disclosures of classified information. As a minimum, such regulations shall permit an agency to decide that appropriate adverse consequences will follow an employee's refusal to cooperate with a polygraph examination that is limited in scope to the circumstances of the unauthorized disclosure under investigation. Agency regulations may provide that only the head of the agency, or his delegate, is empowered to order an employee to submit to a polygraph examination. Results of polygraph examinations should not be relied upon to the exclusion of other information obtained during investigations.

6. The Attorney General, in consultation with the Director, Office of Personnel Management, is requested to establish an interdepartmental group to study the federal personnel security program and recommend appropriate revisions in existing Executive orders, regulations, and guidelines.